12. The following proviso should be added at the end of Article 31-B:—

"Provided that the protection afforded by this article to Act and Regulations which may be hereafter specified in the Ninth Schedule or any of the provisions thereof, shall not apply unless such Act or Regulations relate to agrarian and land reforms, reasonable quantum or reservation under Articles 15 and 16 or principles specified in clause (b) or (c) of article 39.

13. Clauses (1) and 1(A) of article 359 should be amended by substitution of "(except articles 20 and 21)" by "(except articles 17, 20, 21, 23, 24, 25 and 32)."

14. The scope of article 30-C regarding right to education of children from 6 to 14 years should be enlarged to include girls and members of SC / ST upto the age of 18 years.

15. Inclusion of a new article, 24-A, to provide every child the right to care and assistance in basic needs and protection from all forms of neglect, harm and exploitation.

16. Inclusion of a new article, 30-D, to give every person right to safe drinking water, prevention of pollution, conservation of ecology and sustainable development.

17. Explanation II to article 25 should be omitted and sub-clause (b) of clause (2) of that article should be reworded to read as follows:—

"(b) providing for social welfare and reform or the throwing open of Hindu, Sikh, Jaina or Buddhist religious institutions of a public character to all classes and sections of these religions."

18. In article 347 of the Constitution, for the words "a substantial proportion of the population", the words "not less than ten per cent of the population" should be substituted.

Reforms in electoral process

3580. SHRI P. PRABHAKAR REDDY: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether it is a fact that the National Commission to review the Constitution has suggested extensive and far-reaching reforms in the electoral process in the country;

(b) if so, the details thereof and Government's reaction thereto;

(c) by when Government are likely to formulate their views with regard to the suggestions; and

(d) whether the opinion of various political parties, legal luminaries, Constitution experts and academicians would be solicited and considered before taking a final decision in the matter?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY): (a) and (b) The National Commission to Reveiw the Working of the Constitution has made a number of recommendations on "Reforms in electoral process". Details of the recommendations are given in the Statement attached (*see* below).

(c) Action on the recommendations lies with the Ministries / Departments of the Government of India, which are administratively concerned with the subject matter of the recommendations.

(d) the report of the Commission has been made public by putting the same on internet so that debate in the public can take place.

Statement

Recommendations made by the National Commission to review the working of the Constitution on electoral process

1. Introduction of Electronic Voting Machines in all constituencies.
2. Empowerment of Election Commission of India to countermand and order fresh elections, ordering re-poll in entire constituency. Use of tamper-proof video and other electronic surveillance at sensitive stations.
3. Elections campaigning on caste or religious basis and attempts to spread caste and communal hatred be made punishable with mandatory imprisonment or even disqualification of the candidates.
4. Amendment in Representation of People's Act to include tougher provision for disqualification of candidates, charged with offences punishable with imprisonment of 5 years or more or convicted with imprisonment of 6 months or more and derecognition of political parties which field such candidates despite being aware of his antecedents.
5. Barring of any person convicted of heinous crimes like murder, rape, smuggling, dacoity, etc., permanently from contesting for any political office.

6. Setting Special Courts to dispose criminal cases against politicians speedily. Empowering these courts to decide whether there is indeed a *prima-facie* case justifying the framing of charges by the police against a potential candidate in a time-bound manner. The special courts should be constituted at the level of High Courts and their decisions should be appealable before the Supreme Court only. Cases should be decided within a period of 6 months.

7. The provision in sub-section (4) of Section 8 of the Representation of People's Act, 1951, should be suitably amended so that the benefit of this provision is not available for the purpose of the person contesting fresh elections.

8. The provision regarding disqualification of a person from contesting elections after charges are framed in a Court for an offence punishable with imprisonment for a maximum period of 5 years or more after expiry of a period of one year should be equally applicable to sitting MPs and MLAs.

9. Restoring the position prevailing before 1975 amendment of the Representation of People's Act, 1951, to enable the President to determine the period of disqualification under Section 8A on direct opinion of the EC to avoid any delay in the matter.

10. Special Courts or special election benches in High Courts should dispose of election petitions and election disputes.

11. Matter regarding election expenses and their auditing etc., should be rationalized.

12. All candidates and every holder of a political position must declare his assets and liabilities and those of his close relatives at the time of elections or annually as the case may be.

13. Proposals of State funding the election should be deferred till regulatory mechanisms are firmly in place.

14. Campaign period should be reduced considerably. Candidates should not be allowed to contest from more than one constituency. Election code of conduct should come into operation immediately on declaration of elections and violations should be made a penal offence.

15. The Commission has recommended a careful and full examination of the issue of prescribing a minimum of 50% plus one vote for

elections in all its aspects in consultation with various political parties and other interested parties.

16. Inter-State delimitation exercise of Lok Sabha and Assembly constituencies may be undertaken. SC and non-scheduled areas ST seats should be rotated.

17. The Tenth Schedule of the Constitution should be amended to provide that all persons who defect, whether individually or in groups, must resign from their seats and contest fresh elections. Defectors should be debarred from holding any public post or any remunerative political post during the remaining term or till fresh elections. The vote cast by such defectors should be treated as invalid and decision on disqualification should vest with the Election Commission.

18. There should be a ceiling of 10 per cent on the number of Ministers in a State or the Union Government by making suitable law. Practice of creating political offices with perks equivalent to Ministers should be discouraged and restricted to 2 per cent of the total strength of the Lower House.

19. Independent candidates should be discouraged. Security Deposits in respect of these candidates should be doubled. The deposits should be double every progressive year in case they fail to win elections and they should be debarred from contesting elections for a period of 6 years if they fail to get 5 per cent of the total votes cast and debarred permanently for failing to win 3 elections.

20. The limit for forfeiting the security deposit should be increased from 16.67 per cent to 25 per cent to reduce non-serious candidates.

21. It should be possible without any constitutional amendment to provide for the election of the Leader of the House (Lok Sabha/ State Assembly) along with the election of the Speaker and in like manner under the Rules of Procedure. The person so elected may be apppointed the Prime Minister / Chief Minister.

22. The issue of eligibility of non-Indian born citizens or those whose parents or grandparents were citizens of India to hold high offices in the realm such as President, Vice-President, Prime Minister and Chief Justice of India should be examined in depth through a political process after a national dialogue.

23. The CEC, other Elections Commissioners should be appointed on the recommendation of a body consisting of the PM, Leader of Opposition in both the Houses and Speaker and Deputy Chairman of Lok Sabha and Rajya Sabha respectively.

24. Only those persons who have cleared all Government dues should be cleared to contest elections. That the matter is pending before a Court of law should be no excuse in the matter.

25. Suitable amendments should be made in the Constitution to empower the Election Commission to identify and declare various offices under the Government to be within 'Offices of Profit'.

Sanction for Cochin Shipyard Repairing Project

3581. SHRI N.K. PREMACHANDRAN: Will the Minister of SHIPPING be pleased to state:

(a) whether Government have received any proposal from the State of Kerala requesting to accord sanction for the Cochin Shipyard Repairing Project;

(b) whether Government would consider to accord sanction for the project; and

(c) if so, by when Government are likely to accord?

THE MINISTER OF STATE IN THE MINISTRY OF SHIPPING (SHRI SHRIPAD YESSO NAIK): (a) Yes, Sir. Cochin Shipyard Limited (CSL), Kochi has submitted a proposal for expansion of ship-repair facilities at an estimated cost of Rs. 98.38 crores.

(b) and (c) The Departmental Expenditure Finance Committee in its meeting held on 14.03.2002 has approved the proposal and action has been initiated to obtain the approval of the competent authority.

Proposal for International Container Transhipment Terminal at Cochin

3582. SHRI N.K. PREMACHANDRAN: Will the Minister of SHIPPING be pleased to state:

(a) whether the proposal for setting up of an International Container Transhipment Terminal at Vallarpadam in Cochin is pending for approval;

(b) if so, the details thereof;

(c) whether the sanction has been accorded to the project by Government; and

(d) if not, the stage at which the matter stands at present?